

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	Criminal Action No. 4:16-CR-122
v.	§	(Judge Mazzant/Judge Nowak)
	§	
JOSHUA BRYCE BYNUM (3)	§	

### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, the Court having heretofore referred the request for the revocation of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The Court has received the Report and Recommendation of the United States Magistrate Judge pursuant to its order. Defendant having waived allocution before the Court as well as his right to object to the report of the Magistrate Judge, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct.

It is therefore **ORDERED** that the Report and Recommendation of United States Magistrate Judge is **ADOPTED** as the opinion of the Court.

It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**.

It is further **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of seven (7) months, with a term of supervised release of three (3) years to follow.

The Court further recommends the imposition of the special conditions set forth in the Report and Recommendation, as follows:

You must provide the probation officer with access to any requested financial information for purposes of monitoring restitution payments and employment;

You must not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full;

You must not participate in any form of gambling unless payment of any financial obligation ordered by the Court has been paid in full;

You must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing;

You must participate in any combination of psychiatric, psychological, or mental health treatment programs, and follow the rules and regulations of that program, until discharged. This includes taking any mental health medication as prescribed by your treating physician. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any cost associated with treatment and testing;

You must participate in sex offender treatment services. These services may include psychophysiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor your compliance, treatment progress, and risk to the community. You must abide by all rules and regulations of the treatment program, until discharged. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You must pay any costs associated with treatment and testing;

You must not possess or view any images in any form of media or in any live venue that depicts sexually explicit conduct. To this special condition of supervision, the term “sexually explicit conduct” is as defined under 18 U.S.C. § 2256(2)(A) and is not limited to the sexual

exploitation of children. You must provide the probation officer with access to any requested financial information to determine if you have purchased, viewed, or possessed sexually explicit material;

You must submit to a search of your person, property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of your conditions of supervision;

You must not purchase, possess, have contact with, or otherwise use any device which can be connected to the Internet or used to store digital materials, other than that approved by the U.S. Probation Office. If you need access to an employer-owned Internet-equipped device for employment purposes, you must advise the probation officer before using the device. The probation officer will ensure your employer is aware of your criminal history, and you must agree to use the device for work purposes only;

You must allow the U.S. Probation Office to install software designed to monitor any computer, tablet, or cell phone activities on any device you are authorized to use. This may include, but is not limited to, software which may record all activity on the devices you may, including the capture of keystrokes, application information, Internet use history, e-mail correspondence, and chat conversations. You must pay any costs related to the monitoring of your computer usage;

You must provide the probation officer with access to any requested financial information for purposes of monitoring your compliance with the imposed Internet access/monitoring conditions. You must advise anyone in your household that any computer, tablet, or cell phone in the household may be subject to monitoring;

You must not attempt to remove, tamper with, or in any way circumvent the monitoring software. You must not access any Internet Service Provider account or other online service using someone else's account, name, designation, or alias. You must disclose all on-line account information, including usernames and passwords, to the U.S. Probation Office. You must also, if requested, provide a list of all software/hardware on your computer, as well as telephone, cable, or Internet service provider billing records, and any other information deemed necessary by the probation office to monitor your computer usage;

You must not use or possess any gaming consoles (including, but not limited to, Xbox, PlayStation, Nintendo), or devices without prior permission from the probation officer; and

You must refrain from the purchase, possession, or use of digital cameras; digital recorders; or any other type of digital recording and/or photographic equipment.

The Court also recommends that Defendant be housed in a Bureau of Prisons facility in the North Texas area, if appropriate.

**IT IS SO ORDERED.**

**SIGNED this 17th day of November, 2022.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE